

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RYAN S. WATSON Individually and as)
Trustee of the WATSON FAMILY)
GUN TRUST,) Case No.2:14-cv-06569-SD
)
Plaintiff,)
)
v.)
)
ERIC H. HOLDER, JR., Attorney General)
Of the United States; B. TODD JONES,)
Director of the Bureau of Alcohol Tobacco)
Firearm and Explosives,)
)
Defendants.)
)

)

**UNCONTESTED MOTION FOR PRESERVATION
OF PLAINTIFF'S MACHINE GUN**

NOW COMES Plaintiff Ryan S. Watson Individually and as Trustee of the Watson Family Gun Trust, by and through undersigned counsel, and for his Uncontested Motion for Preservation of Plaintiff's Machine Gun states as follows:

1. Plaintiff surrendered his machine gun, manufactured pursuant to an approved Form 1, to the Bureau of Alcohol Tobacco Firearms and Explosives ("BATFE") on November 14, 2014. Before surrendering the firearm, BATFE informed Plaintiff that he may "preserve whatever property right you may have in it [by] mak[ing] this fact known . . . at the time you surrender it." Complaint, ECF No. 1, at ¶ 51; *id.* at Ex. E.
2. The firearm is a Palmetto State Armory lower receiver, bearing serial number LW001804 and includes a trigger assembly. This property is identified on the Receipt for Property and Other Items, attached to the Complaint as Ex. F.

3. Over the past three weeks, counsel for the parties have discussed whether Defendants will preserve the firearm until the conclusion of this litigation and all appeals are exhausted. On January 13, 2015, Defendants' counsel informed Plaintiff's counsel that BATFE is storing and preserving the firearm and will continue to do so until the conclusion of all litigation and appeals.

4. Pursuant to 19 U.S.C. § 1607(a), BATFE has provided notice to Plaintiff of the forfeiture of the firearm, which is attached as Exhibit "1." In accordance with the requirements of 19 U.S.C. § 1608, Plaintiff intends to file a claim to judicially contest the forfeiture of the firearm within twenty days. Once he does so, the United States will be required to commence a judicial proceeding for forfeiture. The parties have agreed to stay that judicial proceeding, once filed, pending the final disposition of this litigation and all appeals.

5. Plaintiff therefore requests that the Court enter the attached Order reflecting the parties' agreement that BATFE will store and preserve the firearm and stay judicial forfeiture proceedings, once commenced. Counsel for the parties have conferred regarding this motion, and Defendants do not oppose the relief requested.

6. A proposed Order is attached as Exhibit "2."

WHEREFORE PREMISES CONSIDERED, Plaintiff requests this Court to grant his Motion for Preservation of Plaintiff's Machine Gun and Order the following:

1. Order that Defendants preserve and store the machinegun and trigger assembly until all litigation and appeals are exhausted.

This, the 23rd day of January, 2015.

Respectfully submitted,

/s/ Stephen D. Stamboulieh
STEPHEN D. STAMBOULIEH
ATTORNEY FOR PLAINTIFF

Of Counsel:

David R. Scott
Law Offices of J. Scott Watson, P.C.
24 Regency Plaza
Glen Mills, PA 19342
(610) 358-9600
PA Bar No. 313491

Stephen D. Stamboulieh
Stamboulieh Law, PLLC
P.O. Box 4008
Madison, MS 39130
(601) 852-3440
stephen@sdslaw.us
MS Bar No. 102784
Admitted Pro Hac Vice

Alan Alexander Beck
Law Office of Alan Beck
4780 Governor Drive
San Diego, CA 92122
(619) 971-0414
alan.alexander.beck@gmail.com
Admitted Pro Hac Vice

CERTIFICATE OF COUNSEL FOR UNCONTESTED MOTION

I, Stephen D. Stamboulieh, hereby certify that the above Uncontested Motion for Preservation of Plaintiff's Machine Gun is uncontested.

This, the 23rd day of January, 2015.

/s/ Stephen D. Stamboulieh

Stephen D. Stamboulieh
Stamboulieh Law, PLLC
P.O. Box 4008
Madison, MS 39130
(601) 852-3440
stephen@sdslaw.us
MS Bar No. 102784
Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I, Stephen D. Stamboulieh, hereby certify that the above Uncontested Motion for Preservation of Plaintiff's Machine Gun has been filed electronically with the Clerk of this Court, which sends notification of such filing to all counsel of record in this case.

This, the 23rd day of January, 2015.

/s/ Stephen D. Stamboulieh

Stephen D. Stamboulieh
Stamboulieh Law, PLLC
P.O. Box 4008
Madison, MS 39130
(601) 852-3440
stephen@sdslaw.us
MS Bar No. 102784
Admitted Pro Hac Vice